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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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NATHANIEL H. WADE, #21409-078

*versus*

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:19-CV-789  
CRIMINAL ACTION NO. 4:13-CR-161(1)

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (#3) concluding that the Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed pursuant to 28 U.S.C. § 2255 should be dismissed without prejudice as successive. The record shows that no objections were filed, but also shows that the Report was returned to the Court. It was marked, “not as this address” (#4). Thus, the case may also be dismissed for Movant’s failure to prosecute when he failed to provide the Court with his current address.

The Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

It is accordingly **ORDERED** that Movant’s Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DISMISSED** without prejudice. All motions by either party not previously ruled upon are **DENIED**.

SIGNED at Beaumont, Texas, this 17th day of July, 2020.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE